No. 07-338

In the

Supreme Court of the United States

Jay M. Struve, *Petitioner*

v.

Wicomico County, Maryland *Respondent*

ON PETITION FOR WRIT OF CERTIORARI

TO THE MARYLAND COURT OF APPEALS

PETITION FOR REHEARING OF ORDER DENYING PETITION

Jay Struve, *pro se*
7809 Hurley's Neck Road,
Mardela Springs, Maryland 21837
no phone

GROUNDS FOR REHEARING

On January 7th, 2008, the Court denied the Petition for Writ of Certiorari filed herein by Jay Struve in case #07-338. On that same date the Petitioner served the Respondent with the Reply Brief, and filed the same with the Court on the 8th.

Petitioner, at that time, had no knowledge of the conference on the 4th, or what was being done by the Court about the case, and had worked hard to prepare a proper Reply Brief.

The Petitioner had been waiting for the Court to act on his objections to the filing of the request by Respondent to extend time to file it's Brief in Opposition, as the Respondent made no attempt serve the Petitioner with this document, or file a Certificate of Service as required by Rule 29.

The Respondent's attorney, who filed this Document with the Court, Karen Silverstrim, was, and is not a member of the Bar of the Court.

Also, the Brief in Opposition was never served On the Petitioner, and contains no Certificate of Service as required by Rule 29.

The Docket does not contain any indication that the Petitioner's objection to the extension of was ever before any of the Justices, or was ever considered by the Court. Petitioner's documents were all served on the Respondent, with Certificates of Service filed with the Court.

BEST AVAILABLE COPY

The Respondent's Brief in Opposition contains many errors, and in all matters relevant to this case, the Brief is just plain wrong. It states that the Uniform Vehicle Code "is not an act of Congress". That would be news to the Secretary of Agriculture, back in the 1920s and 1930s, who by an act of Congress was required to promulgate the Code to the States for passage by the legislatures. Secretary of Commerce Herbert Hoover was the Chairman of the Committee that created the Code, in 1926, and since that time the Code has changed very little.

The current version of the Code is promulgated by the Secretary of Transportation, for passage by all the States, under the Federal Highway Safety Act of 1966, with the penalty for non-compliance possible total withholding of Federal highway funding from the offending State, at the discretion of the Secretary.

The directly relevant parts of the U.V.C., which refer to the rights of private property owners and their vehicles, and the limitations on the powers of local authorities, from which the uniformity of law is assured, have been part of the Code since 1926, and were adopted by the General Assembly of Maryland in 1943, in the Maryland Vehicle Law, Article 661/2, now the Transportation Article of the Code of Maryland.

In particular, the parking of vehicles on Private Property is at the discretion of the owner of the Property. Nowhere in the Code is there any provision for local governments (*soviets*) to regulate such vehicles.

In other aspects of life in this country, local governments (*soviets*), have totalitarian control of land by the action of "zoning law", in which any "use of land",(practically everything done by humans is some sort of "use of land") is illegal unless permission is first obtained from the local authority (*soviet*). There is always a charge for this permission, and permission can be withdrawn at any time, it is conditional. In many instances, crime syndicates control these local authorities.

However, the Federal Congress has decided that the laws concerning vehicles should be uniform, and to assure this, the local authorities have been prohibited from making their own regulations on the subjects in the U.V.C..

The Respondent has made such laws, in conflict with the U.V.C. and the Federal Highway act of 1966. The U.S. Constitution states that State law in conflict with the laws passed by Congress shall be void, and that the Supreme Court has jurisdiction to decide such cases. Local law is "State Law".

WHEREFORE, it is respectfully requested that the Honorable Court reconsider its denial of Struve's Petition for writ of certiorari, and read his reply brief, to insure the uniformity of vehicle law and prevent confusion, and retard the snatching away of parking rights long held by the people of the United States of America.

Respectfully submitted, Jay Struve, Petitioner.

7809 Hurley's Neck Rd.
Mardela Springs, Md. 21837

James R Matthews

JAMES R. MATTHEWS
Notary Public
Wicomico County
Maryland
My Commission Expires Sep 14, 2010

CERTFICATE OF GOOD FAITH

Because Petitioner unknowingly filed his Reply Brief one day after the Court denied Certiorari, and because the Respondents Brief in Opposition is full of errors and misleads the Justices, and contains no Certificate of service and no service was ever attempted by the Respondent, and because the Petitioner's Reply Brief in specific detail refutes every relevant detail and argument of the Respondent, and if considered by the Justices would certainly result in a granting of the Writ, these facts constitute intervening circumstances of a substantial or controlling effect, and substantial grounds not previously presented in detail.

I, Jay Struve, Petitioner, certify that this petition for rehearing is restricted to the grounds in Rule 44.2, and that it is presented in good faith and not for delay.

Jay Struve, *pro se*

CERTIFICATE OF COMPLIANCE

No. 07-338

Jay Struve *Petitioner*

v.

Wicomico County *Respondent*

As required by Supreme Court Rule 33.1(h), I certify that the petition for rehearing contains 642 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury the forgoing is true and correct, that the petition is less than 3000 words.

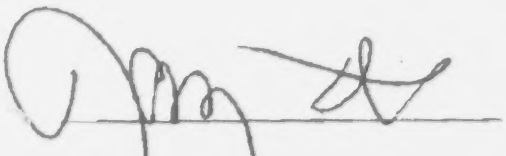
Executed on February 18, 2008 as per Clerk's order,

Jay Struve, *pro se*

CERTIFICATE OF SERVICE

Every party required to be served have been served.
I, Jay Struve, do swear under the federal penalty of perjury that I did mail, first class postage prepaid, or had sent for delivery by courier, an exact copy on Feb. 1 , 2008 and a corrected copy on Feb.18, 2008 of the forgoing documents to;

Karen F. Silverstrim, and
Edgar Baker, Attorney for Wicomico County, Md.
110 North Division St. Salisbury, Maryland 21810
410-742 8176



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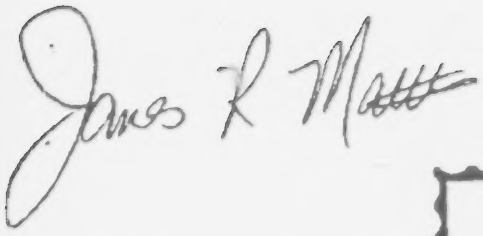
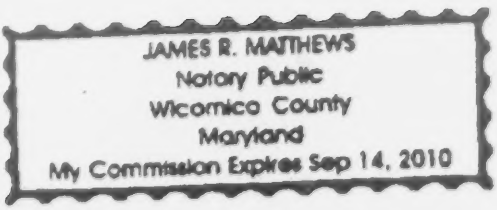
21837 no phone.





CERTIFICATE OF SERVICE

Every party required to be served have been served.

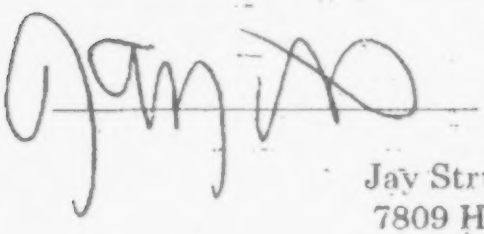
I, Jay Struve, do swear under the federal penalty of perjury that I did mail, first class postage prepaid, or had sent for delivery by courier, on June 29,2007

An Exact copy of the forgoing documents to;

Edgar Baker, Attorney for Wicomico County, Md.

110 North Division St. Salisbury, Maryland 21810

410-742 8176



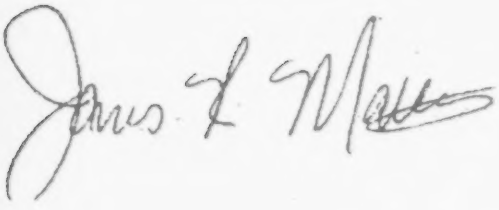
Jay Struve, pro se

7809 Hurleys neck Rd.

Mardela Springs, Maryland

21837 no phone.

[This is the original certificate for the petition for certiorari]

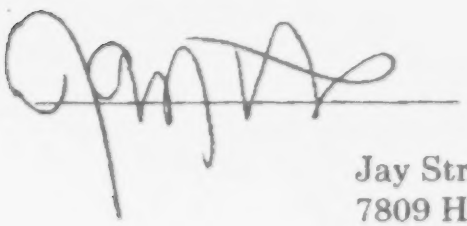


JAMES R. MATTHEWS
Notary Public
Wicomico County
Maryland
My Commission Expires Sep 14, 2010

CERTIFICATE OF SERVICE

Every party required to be served have been served.
I, Jay Struve, do swear under the federal penalty of perjury that I did mail, first class postage prepaid, or had sent for delivery by courier, on Sept. 4, 2007
An Exact copy of the forgoing documents to;

Edgar Baker, Attorney for Wicomico County, Md.
110 North Division St. Salisbury, Maryland 21810
410-742 8176



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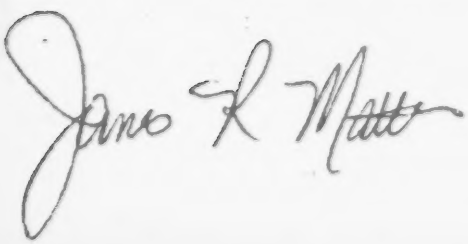
[This is the certificate for the corrected petition for certiorari, on proper size paper.]



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CERTIFICATE OF SERVICE

Every party required to be served have been served.

I, Jay Struve, do swear under the federal penalty of perjury that I did mail, first class postage prepaid, or had sent for delivery by courier, on Nov. 12, 2007

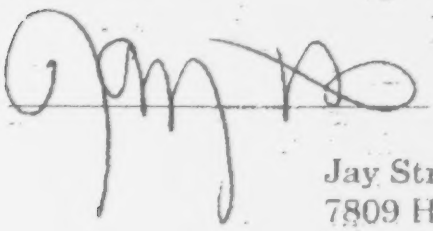
An Exact copy of the forgoing documents to:

Karen F. Silverstrim, and

Edgar Baker, Attorney for Wicomico County, Md.

110 North Division St. Salisbury, Maryland 21810

410-742-8176



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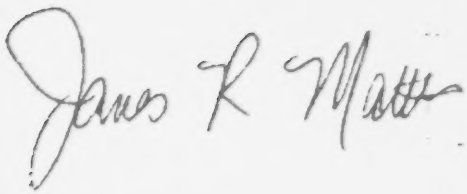
[This is the certificate for the motion to review and deny respondent's request for an extension of time to file it's response to the cert. petition.]



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